



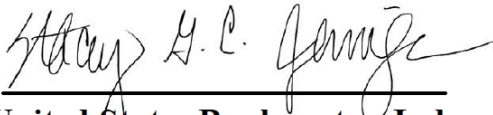
CLERK, U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

**ENTERED**

THE DATE OF ENTRY IS ON  
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed March 16, 2021

  
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

In re:	§	
	§	Chapter 11
HIGHLAND CAPITAL MANAGEMENT, L.P., <sup>1</sup>	§	
	§	Case No. 19-34054-sgj11
Debtor.	§	
	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
	§	
Plaintiff,	§	Adversary Proceeding No.
	§	
vs.	§	21-03007-sgj11
	§	
HCRE PARTNERS, LLC (n/k/a NEXPOINT	§	
REAL ESTATE PARTNERS, LLC),	§	
	§	
Defendant.	§	

**ORDER APPROVING STIPULATION REGARDING SCHEDULING ORDER**

Upon consideration of the *Stipulation and Proposed Scheduling Order* (the "Stipulation")<sup>2</sup>

<sup>1</sup> The Debtor's last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Debtor is 300 Crescent Court, Suite 700, Dallas, TX 75201.

<sup>2</sup> Capitalized terms not otherwise defined in this Order shall have the meanings ascribed to them in the Stipulation.

by and between Highland Capital Management, L.P., as debtor-in-possession (the “Debtor”), and HCRE Partners, LLC (n/k/a NexPoint Real Estate Partners, LLC) (“HCRE”, and together with the Debtor, the “Parties”), it is **HEREBY ORDERED THAT:**

1. The Stipulation, a copy of which is attached hereto as **Exhibit A**, is **APPROVED**.
2. The Stipulation shall become effective immediately upon entry of this Order.
3. With respect to the Adversary Proceeding, the Parties shall abide by the following pretrial schedule (the “Joint Pretrial Schedule”) in lieu of that provided in the Alternative Scheduling Order:

<i><b>Joint Pretrial Schedule</b></i>	
<u>Event</u>	<u>Deadline</u>
1. Service of Written Discovery Requests	May 31, 2021
2. Service of Written Responses to Discovery	July 5, 2021
3. Completion of Fact Discovery	July 26, 2021
4. Expert Disclosures	August 6, 2021
5. Completion of Expert Discovery	August 23, 2021
6. Dispositive Motions	September 6, 2021
7. Exhibit and Witness Lists	October 25, 2021
8. Joint Pretrial Order	November 1, 2021
9. Proposed Findings of Fact and Conclusions of Law	November 1, 2021
10. Trial Docket Call	November 8, 2021 at 1:30 p.m. (CT)

4. The Joint Pretrial Schedule set forth in this Order shall only be modified in a writing signed by the Parties or upon the entry of an order of the Court entered upon notice to the Parties.

5. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Order.

###End of Order###

**EXHIBIT A**

PACHULSKI STANG ZIEHL & JONES LLP

Jeffrey N. Pomerantz (CA Bar No.143717) (*admitted pro hac vice*)  
Ira D. Kharasch (CA Bar No. 109084) (*admitted pro hac vice*)  
John A. Morris (NY Bar No. 2405397) (*admitted pro hac vice*)  
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-and-

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*Counsel for HCRE Partners, LLC (n/k/a NexPoint Real Estate Partners, LLC)*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

In re:	§	
	§	Chapter 11
HIGHLAND CAPITAL MANAGEMENT, L.P., <sup>1</sup>	§	
	§	Case No. 19-34054-sgj11
Debtor.	§	
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HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
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Plaintiff,	§	Adversary Proceeding No.
	§	
vs.	§	21-03007-sgj11
	§	
HCRE PARTNERS, LLC (n/k/a NEXPOINT	§	
REAL ESTATE PARTNERS, LLC),	§	
	§	
Defendant.	§	

## **STIPULATION AND PROPOSED SCHEDULING ORDER**

This stipulation (the “Stipulation”) is made and entered into by and between Highland Capital Management, L.P., as debtor-in-possession (the “Debtor”), and HCRE Partners, LLC (n/k/a NexPoint Real Estate Partners, LLC) (“HCRE” or “Defendant”, and together with the Debtor, the “Parties”), by and through their respective undersigned counsel.

## RECITALS

WHEREAS, on October 16, 2019 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the Bankruptcy Court for the District of Delaware, Case No. 19-12239 (CSS) (the “Delaware Court”);

WHEREAS, on December 4, 2019, the Delaware Court entered an order transferring venue

<sup>1</sup> The Debtor's last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Debtor is 300 Crescent Court, Suite 700, Dallas, TX 75201.

of the Debtor's bankruptcy case (the "Bankruptcy Case") to this Court;

WHEREAS, on January 22, 2021, the Debtor commenced the above-captioned adversary proceeding (the "Adversary Proceeding") against HCRE by filing its complaint [Docket No. 1] (the "Complaint")<sup>2</sup>;

WHEREAS, on January 25, 2021, the Court issued its *Order Regarding Adversary Proceedings Trial Setting and Alternative Scheduling Order* [Docket No. 3] (the "Alternative Scheduling Order");

WHEREAS, on March 3, 2021, HCRE filed its answer to the Debtor's Complaint [Docket No. 7] (the "Answer");

WHEREAS, the Parties have conferred and desire to enter into a mutually agreeable proposed schedule, as specifically set forth below.

NOW, THEREFORE, it is hereby stipulated and agreed, and upon approval of this Stipulation by the Court, it shall be SO ORDERED:

1. The Parties agree to the following schedule (the "Proposed Joint Scheduling Order") in lieu of that provided in the Alternative Scheduling Order:

<i><b>Proposed Joint Scheduling Order</b></i>	
<u>Event</u>	<u>Deadline</u>
1. Service of Written Discovery Requests	May 31, 2021
2. Service of Written Responses to Discovery	July 5, 2021
3. Completion of Fact Discovery	July 26, 2021
4. Expert Disclosures	August 6, 2021
5. Completion of Expert Discovery	August 23, 2021
6. Dispositive Motions	September 6, 2021
7. Exhibit and Witness Lists	October 25, 2021
8. Joint Pretrial Order	November 1, 2021

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<sup>2</sup> Refers to the docket number maintained in the Adversary Proceeding.

9. Proposed Findings of Fact and Conclusions of Law	November 1, 2021
10. Trial Docket Call	November 8, 2021 at 1:30 p.m. (CT)

2. If approved by the Court, the Proposed Joint Scheduling Order shall only be modified in a writing signed by the Parties or upon the entry of an order of the Court entered upon notice to the Parties.

3. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Stipulation.

*[Remainder of Page Intentionally Blank]*

Dated: March 11, 2021.

**WICK PHILLIPS GOULD & MARTIN, LLP**

/s/ Lauren K. Drawhorn

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*Counsel for HCRE Partners, LLC (n/k/a NexPoint  
Real Estate Partners, LLC)*

- and -

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Ira D. Kharasch (CA Bar No. 109084)  
John A. Morris (NY Bar No. 266326)  
Gregory V. Demo (NY Bar No. 5371992)  
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*Counsel for Highland Capital Management, L.P.*

United States Bankruptcy Court  
Northern District of Texas

Highland Capital Management, L.P.,  
Plaintiff  
HCRE Partners, LLC (n/k/a NexPoint Real,  
Defendant

Adv. Proc. No. 21-03007-sgj

## CERTIFICATE OF NOTICE

District/off: 0539-3

User: mmathews

Page 1 of 2

Date Rcvd: Mar 16, 2021

Form ID: pdf001

Total Noticed: 4

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

**Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 18, 2021:**

Recip ID	Recipient Name and Address
ust	+ Cheryl Wilcoxson, US Trustee, 1100 Commerce St., Ste. 976, Dallas, TX 75242-0996

TOTAL: 1

**Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.**

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
ust	+ Email/Text: ustregion06.ty.ecf@usdoj.gov	Mar 16 2021 22:17:00	US Trustee, Office of the U.S. Trustee, 110 N. College Ave., Suite 300, Tyler, TX 75702-7231
ust	+ Email/Text: ustregion07.hu.ecf@usdoj.gov	Mar 16 2021 22:17:00	US Trustee, Office of the US Trustee, 515 Rusk Ave, Ste 3516, Houston, TX 77002-2604
ust	+ Email/Text: ustregion06.da.ecf@usdoj.gov	Mar 16 2021 22:17:00	United States Trustee, 1100 Commerce Street, Room 976, Dallas, TX 75242-0996

TOTAL: 3

## BYPASSED RECIPIENTS

**The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.**

Recip ID	Bypass Reason	Name and Address
ust		Sandra Nixon, U.S. Trustee
ust		mario zaval
ust	*+	US Trustee, Office of the U.S. Trustee, 110 N. College Ave., Suite 300, Tyler, TX 75702-7231

TOTAL: 2 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

## NOTICE CERTIFICATION

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Mar 18, 2021

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

District/off: 0539-3

User: mmathews

Page 2 of 2

Date Rcvd: Mar 16, 2021

Form ID: pdf001

Total Noticed: 4

**The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 16, 2021 at the address(es) listed below:**

<b>Name</b>	<b>Email Address</b>
Lauren Kessler Drawhorn	on behalf of Defendant HCRE Partners LLC (n/k/a NexPoint Real Estate Partners, LLC) lauren.drawhorn@wickphillips.com, samantha.tandy@wickphillips.com
Zachery Z. Annable	on behalf of Plaintiff Highland Capital Management L.P. zannable@haywardfirm.com

TOTAL: 2